

From: [Holloman, Rachel](#)
To: [Teter, Royan](#); [Trivedi, Adrienne](#); [Cobb, Christina](#); [Varco, Joseph](#); [Charlton, Tom](#)
Cc: [Koch, Erin](#); [Davis, Donna](#); [Goodis, Michael](#); [Rosenblatt, Daniel](#); [Coleman, Anita](#)
Subject: FW: Follow-up form Conversation this week- Prop 65 warnings on invoices
Date: Friday, November 09, 2018 8:12:44 PM
Attachments: [ATT00001.txt](#)
[Sample invoice to adapt to Prop 65 wording.pdf](#)
[Sample PCA Rec to adapt to Prop65 wording.pdf](#)
[California Proposition 110918.docx](#)

Hi Royan,

I am just getting ready to schedule the meeting the proposal to put the Prop 65 language on the invoice. Dave Lawson's question was is the invoice considered labeling. I have Here are the attachments that you did not receive in my earlier meeting. I am also attaching a summary sheet on Prop 65. I hope to have the meeting set up soon. I will forward Erin Koch response from OGC in another email. Thanks!

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From: Dave Lawson <davel@healthyplants.org>
Sent: Friday, October 05, 2018 5:23 PM
To: Holloman, Rachel <Holloman.Rachel@epa.gov>
Cc: aprichard@cdpr.ca.gov; Renee Pinel <reneep@healthyplants.org>
Subject: Follow-up form Conversation this week- Prop 65 warnings on invoices

Rachel,

I have attached examples of what I described to you earlier this week. While EPA continues to consider how to address the California Proposition 65 warning language (or alternative language) for pesticide product labels, we are also in need of EPA guidance regarding how retailers in California may provide Prop 65 warnings to their customers. The Invoice example is a reflection of what some dealerships provide as a Prop 65 warning using the older OEHHA required language.

So, to restate my question, But as they gear up to use the newer 2018 required language from OEHHA for Prop 65 warnings – the question arose – is the dealership pesticide sales invoice considered an extension of the label? If it is, then does FIFRA pre-empt this potential warning mechanism?

Then, perhaps a little more complicated would the attached example of a California Pest Control Advisor (PCA) pesticide use recommendation (which is also required in California by the Department of Pesticide Regulations) be considered an extension of the label?

These questions arose as retailers were/are trying to update software that automatically recognizes a Prop 65 listed pesticide, and inserts the warning automatically onto the invoice and the PCA recommendation sheet. These documents accompany the product being delivered to the grower/purchaser.

Ultimately, the retailers/dealerships/applicators would like to insert the newer OEHHA warning language in place of the older language, if that is agreeable to EPA.

Please let me know your thoughts on how we may proceed to ensure our member companies are in compliance with federal and state regulations.

*Best regards,
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